

Court Exr to Sentencing

Halpern, Jonathan N.

From: Halpern, Jonathan N.
Sent: Tuesday, June 13, 2017 7:57 PM
To: 'RakoffNYSDChambers@nysd.uscourts.gov'; Benjamin_Wood@nysd.uscourts.gov
Cc: McGinley, Ian (USANYS) (Ian.McGinley@usdoj.gov); Friedman, Jon
Subject: United States v. Lumiere, ~~16-CV-683~~ (JSR): USSG Loss/Gain Agreement

16 CK 483

As reviewed with Mr. Wood, the parties respectfully submit the following agreement on loss under the Sentencing Guidelines, for the Court's consideration:

The Government and defendant, by his counsel, agree, only for the limited purpose of determining loss under the Sentencing Guidelines for this sentencing of defendant Stefan Lumiere, that: (1) gain that resulted from the offense under U.S.S.G. 2B1.1 comment n. 3(B) is applicable, and (2) the defendant does not object to a conclusion by the Court that the Government has met its burden of establishing by a preponderance a reasonable estimate of gain to come within U.S.S.G. 2B1.1(b)(1)(I) (resulting in 16 added levels), within the range of more than \$1,500,000 but not more than \$3,156,409. The parties further agree that the defendant does not waive any other issue at sentencing and that the agreement shall not be construed as an admission by the defendant. The parties further agree that the defendant makes this agreement without waiver, and with preservation, of all rights and issues for all other matters and proceedings, except calculation of loss under the Sentencing Guidelines.

Respectfully submitted,

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